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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bengt Akerblom

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EXAMINER

WHITTINGTON, KENNETH

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,592	Applicant(s) AKERBLOM, BENGT	
	Examiner KENNETH J. WHITTINGTON	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities: "the a" in line 4 appears to be a typographical error or words are missing. This phrase should be "a rotor" (See claim 6 for similar claim language). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Allshouse et al. (US5691636), hereinafter Allshouse.

Regarding claim 1, Allshouse discloses a method for measuring distance between a stator and an opposing rotor in a machine, in particular a refiner designed for the manufacture of paper pulp (See Allshouse FIGS. 1-4, note rotor 77 and stators 75), where the stator is provided with at least one sensor device of the magnetic type which is

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intended to interact with an opposing surface on the rotor (See FIGS. 2 and 3, note sensor devices shown), and where a sensor body can be moved axially in a housing mounted in the stator (See FIG. 2, note sensor body items 10 and 60 slidable in housing 42), with the sensor device being calibrated by the sensor body being moved a distance in the direction towards the rotor and the size of this movement being related to the signal value from the sensor device (See FIGS. 1-4, note sensor is an eddy current sensor, the movement of the sensor in housing would change the signal value of the sensor in relation to rotor 77), characterized in that the movement is made so large that contact is made between stops in the sensor device arranged at a predetermined distance apart and interacting with each other, with one stop being arranged on the sensor body at a predetermined distance from the end surface of the measuring end of the sensor body, which distance is considerably smaller than the length of the sensor body, and the second stop being arranged in the housing (See FIG. 2, note stops at shoulder in sensor body 10 adjacent to stop 52 in housing 42 and note stop 52 in housing 42, note also lengths and spacings related thereto).

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Regarding claim 2, Allshouse discloses the movement is commenced from a position where the end of the sensor body is on a level with a grinding segment facing towards the rotor (See FIGS. 1-4, note sensor body can be moved inside the housing from a level with grinding segment either slightly towards the rotor as shown in FIGS. 2 or 3, or in the opposite direction to remove the sensor).

Allowable Subject Matter

Claims 3-9 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not show or teach that when in the normal measuring position, the distance (e) exceeds the distance (d) as recited in the claims and in combination with the other features of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH J. WHITTINGTON whose telephone number is (571)272-2264. The examiner can normally be reached on Monday-Friday, 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Kenneth J Whittington/
Primary Examiner, Art Unit 2862